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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO.      | CONFIRMATION NO. |
|--|-------------|------------------------|--------------------------|------------------|
| 10/758,213   | 01/16/2004  | Laymon Scott Humphries | SKY03003                 | 6129             |
| 25537  | 7590        | 02/13/2006             | EXAMINER                 |                  |
| MCI, INC<br>1133 19TH STREET NW<br>4TH FLOOR<br>WASHINGTON, DC 20036 |             |                        | LOUIS JACQUES, JACQUES H |                  |
|  |             |                        | ART UNIT                 | PAPER NUMBER     |
|  |             |                        | 3661                     |                  |

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/758,213

**Applicant(s)**

HUMPHRIES ET AL.

**Examiner**

Jacques H. Louis-Jacques

**Art Unit**

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/20/04, 4/7/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on April 20, 2004 and April 7, 2005 have been considered by the examiner.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the used of legal terminology such as "disclosed" should be avoided. Also, the first sentence of the abstract is not clear. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Schmidt [US 2004/0203867].

Schmidt discloses a localization of mobile end user unit (e.g., a vehicle) by monitoring a geographical (boundary) area. Schmidt discloses performing location analysis within a tracked device by receiving, at the tracked device, a set of coordinates associated with a boundary area (abstract, figure 12); obtaining, at the tracked device, a position of the tracked device, e.g., using a GPS ([0003]-0006, [0020]); determining, based upon the received coordinates and the detected position of the tracked device, whether the tracked device is located inside the boundary area or outside the boundary area (figure 12, [0020]-[0024]; and generating and transmitting an alert signal if the result of the determining step is different from an immediately previous result obtained ([0031], [0033], [0107], [0108], [0109]). Note that the tracked device, according to Schmidt can be any mobile unit or object including a vehicle, a telephone, etc. (page 1, [0103], [0106]). The boundary, according to Schmidt, is a geo-fence boundary comprising a combination of circles and polygons (figure 8). According to Schmidt, the alert signal is an exit alert if the result is that the tracked device is located outside the boundary area and the previous result is that the tracked device is located inside the boundary area, or an exit alert if the result is that the tracked device is located outside the boundary area and the previous result is that the tracked device is located inside the boundary area ([0108]-[0109]). In addition, Schmidt discloses that the set of coordinates include a hysteresis value that adds a predetermined area to the outer periphery of the boundary area once the

tracked device is determined to be inside the boundary area (see claims 2 and 3 on page 9). As described in paragraph [0123], for example, the generating and transmission of an alert signal will not occur until the location of the tracked device is determined to be outside the added predetermined area on the periphery of the boundary area. Furthermore, Schmidt discloses determining, based upon a predetermined order of a plurality of sets of coordinates and the detected position of the tracked device, whether the tracked device is progressing through the plurality of boundary areas in accordance with the predetermined order; and generating and transmitting an alert signal if the tracked device is not progressing through the in accordance with the predetermined order ([0125], claim 2, 5).

6. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Sanquetti [6,983,202].

Sanquetti discloses implementing geo-fencing on mobile devices for performing location analysis within a monitored [tracked] device by receiving, at the monitored [tracked] device, a set of coordinates associated with a boundary area (abstract, column 2, 4); obtaining, at the tracked device, a position of the tracked device, e.g., using a GPS (figure 6, column 4); determining, based upon the received coordinates and the detected position of the tracked device, whether the tracked device is located inside the boundary area or outside the boundary area (abstract, figure 7, column 2-4); and generating and transmitting an alert signal if the result of the determining step is different from an immediately previous result obtained (figure 7, column 4). The boundary, according to Sanquetti, is a geo-fence boundary comprising a combination of circles and polygons (columns 1-2, 4). According to Sanquetti, the alert signal is an exit alert if the result is

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that the tracked device is located outside the boundary area and the previous result is that the tracked device is located inside the boundary area, or an exit alert if the result is that the tracked device is located outside the boundary area and the previous result is that the tracked device is located inside the boundary area (column 4). In addition, Schmidt discloses that the set of coordinates include a hysteresis value that adds a predetermined area to the outer periphery of the boundary area once the tracked device is determined to be inside the boundary area (column 5). According to Sanquetti, the generating and transmission of an alert signal will not occur until the location of the tracked device is determined to be outside the added predetermined area on the periphery of the boundary area (column 4, 7-8. Furthermore, Sanquetti discloses determining, based upon a predetermined order of a plurality of sets of coordinates and the detected position of the tracked device, whether the tracked device is progressing through the plurality of boundary areas in accordance with the predetermined order; and generating and transmitting an alert signal if the tracked device is not progressing through the in accordance with the predetermined order (column 4, 8-9).

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

|                 |            |           |
|-----------------|------------|-----------|
| 5,532,690       | Hertel     | Jul. 1996 |
| 5,870,029       | Otto et al | Feb. 1999 |
| US 2002/0164993 | Elliot     | Nov. 2002 |

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US 2003/0030561

Yafuso et al

Feb. 2003

US 2004/0219932

Verteuil

Nov. 2004

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques H. Louis-Jacques whose telephone number is 571-272-6962. The examiner can normally be reached on M-Th 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacques H Louis-Jacques  
Primary Examiner  
Art Unit 3661

/jlj

  
JACQUES H. LOUIS-JACQUES  
PRIMARY EXAMINER